

MAR 30 2016

IN THE UNITED STATES DISTRICT COURT MATTHEW J. DYKMAN  
FOR THE United States DISTRICT OF New Mexico CLERK  
Albuquerque DIVISION

UNITED STATES OF AMERICA

v.  
Paul TurrietaCriminal Case: 14-CR-0425 JAP  
16 CV 395-JAP/KKMOTION FOR APPOINTMENT OF COUNSEL

Defendant, Paul Turrieta, pro se, moves for  
an ORDER for appointment of counsel to represent him in this case.  
In support of this motion, Defendant states:

1. The U.S. Supreme Court in Johnson v United States 135 SCt 2551 (2015), declared the residual clause of the Armed Career Criminal Act (ACCA) unconstitutionally vague. The residual clause is a catchall section of the ACCA that treats a variety of different offenses as "crimes of violence". The United States used defendants prior convictions as crimes of violence which are now not considered "crimes of violence pursuant to the above Johnson case.

2. Because the residual clause is unconstitutional, the defendant who was sentenced under the ACCA argues that his sentence is unconstitutional under the Johnson case above.

3. Additionally because the wording of the ACCA is almost identical to the "residential clause" in the career offender guidelines, the defendant also challenges his sentence based on this factor and the Johnson case.

4. Defendants imprisonment greatly limits his ability to litigate. These issues involved in this case are complex and will require significant research and investigation. The defendant has limited access to the law library and limited knowledge of the law.

5. Counsel would better enable defendant to present a Johnson claim to the court either in this matter or a 28 U.S.C. 2255 for relief.

6. Defendants dealine to file is of critical importance that requires the courts immediate attention in order to protect the defendants rights.

WHEREFORE, defendant request that this Honorable Court appoint a memembr of the Public Defenders Officer, or CJA pool for relief on this unconstitutional sentence under the ACCA as declared by the Johnson case above, which defendant is currently serving.

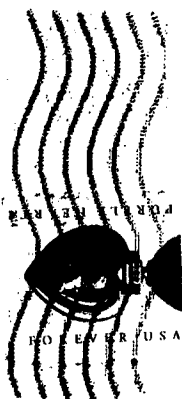
Respectfully Submitted,

Paul Terrieta  
Name

Paul Terrieta  
Print Name

Paul Tuvilla #48310-051  
Federal Correctional Institution  
37910 N. 45th Ave  
Phoenix, AZ 85196

PHOENIX AZ 852  
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Us District Court  
Court Clerk  
333 Lomas BLVD NW  
Albuquerque, NM 87102  
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